



UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

11 FEDERAL NATIONAL  
12 MORTGAGE ASSOCIATION, } Case No. CV 13-6132 UA (DUTYx)  
13 Plaintiff, }  
14 v. } **ORDER SUMMARILY  
15 LANCE TURNER, ET AL.,  
16 Defendants.**  
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18 The Court will remand this unlawful detainer action to state court summarily  
19 because Defendant removed it improperly.

20 On August 21, 2013, Defendant Laura Turner, having been sued in what  
21 appears to be a routine unlawful detainer action in California state court, lodged a  
22 Notice Of Removal of that action in this Court and also presented an application to  
23 proceed *in forma pauperis*. The Court has denied the latter application under  
24 separate cover because the action was not properly removed. To prevent the action  
25 from remaining in jurisdictional limbo, the Court issues this Order to remand the  
26 action to state court.

27 Simply stated, Plaintiff could not have brought this action in federal court in  
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1 the first place, in that Defendant does not competently allege facts supplying either  
2 diversity or federal-question jurisdiction, and therefore removal is improper. 28  
3 U.S.C. § 1441(a); *see Exxon Mobil Corp v. Allapattah Svcs., Inc.*, 545 U.S. 546,  
4 563, 125 S.Ct. 2611, 162 L.Ed.2d 502 (2005). Even if complete diversity of  
5 citizenship exists, the amount in controversy does not exceed the diversity-  
6 jurisdiction threshold of \$75,000. *See* 28 U.S.C. §§ 1332, 1441(b). On the  
7 contrary, the unlawful-detainer complaint recites that the amount in controversy  
8 does not exceed \$10,000. Moreover, because Defendant resides in the forum state,  
9 Defendant cannot properly remove the action, to the extent diversity jurisdiction is  
10 asserted. 28 U.S.C. § 1441(b).

11 Nor does Plaintiff's unlawful detainer action raise any federal legal question.  
12 *See* 28 U.S.C. §§ 1331, 1441(b). Defendant suggests in her removal papers that  
13 Plaintiff filed a federal question action under the federal Protecting Tenants at  
14 Foreclosure Act ("PTFA"). *See* Pub. L. No. 111-22, § 702, 123 Stat. 1632, 1660-61  
15 (2009) (amended by Pub. L. No. 111-203, § 1484, 124 Stat. 1376, 2204 (2010)).  
16 The PTFA, however, does not provide for any private right of action. *Pacific Realty*  
17 *Inv. Group, Inc. v. Sprangler*, 2011 WL 6020572, at \*2 (N.D. Cal. Nov. 16, 2011)  
18 (denying application to proceed *in forma pauperis* and recommending that case be  
19 remanded to state court); *BDA Inv. Properties LLC v. Sosa*, 2011 WL 1810634, at  
20 \*2-3 (C.D. Cal. May 12, 2011) ("[T]he Court also notes that the PTFA . . . cannot  
21 even raise a 'substantial federal question' because [it does] not create a private right  
22 of action.").

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1           Accordingly, IT IS ORDERED that (1) this matter be REMANDED to the  
2 Superior Court of California, South District, Long Beach Courthouse, 415 West  
3 Ocean Blvd., Long Beach, CA 90802, for lack of subject matter jurisdiction  
4 pursuant to 28 U.S.C. § 1447(c); (2) that the Clerk send a certified copy of this  
5 Order to the state court; and (3) that the Clerk serve copies of this Order on the  
6 parties.

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IT IS SO ORDERED.

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Dated: 8/28/13

GEORGE H. KING  
CHIEF UNITED STATES DISTRICT JUDGE